

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

John W. Miller, Plaintiff,

v.

Apple, Inc., Defendant.

Case No.: 25-CV-1172 (JPC) (RFT)

**PLAINTIFF'S MOTION TO DISQUALIFY DEFENDANT'S COUNSEL FOR
VIOLATION OF PRIOR COURT ORDER**

TO THE HONORABLE COURT:

Plaintiff **John W. Miller, pro se**, respectfully submits this **Motion to Disqualify Defendant's Counsel**, and in support states as follows:

1. Prior Court Order Excusing Apple, Inc. from Litigation

- In case **3:20-cv-00844**, before the U.S. District Court for the District of South Carolina, Magistrate Judge **Paige J. Gossett** issued **Docket Text Order No. 134** on **January 26, 2022**, granting Apple, Inc.'s **Motion to be Relieved from Mediation (ECF No. 121)**. This order effectively **excused Apple, Inc. from further litigation obligations in that case**.

2. Improper Appearance of Counsel in SDNY

- Despite Apple's prior excusal, **Defendant's counsel, who also represents Sunil Sing, is now attempting to litigate against Plaintiff in SDNY** in direct contradiction of the prior ruling.
- This constitutes an **improper attempt to re-enter litigation**, which the Court in case **3:20-cv-00844** already ruled Apple, Inc. had been relieved from.

3. Conflict of Interest and Ethical Concerns

- Defendant's counsel **simultaneously represents both Sunil Sing and Apple, Inc.**, which presents a **clear conflict of interest**.
- Counsel is attempting to **litigate on Apple's behalf despite a federal court order preventing further participation in case 3:20-cv-00844**.
- This conduct raises serious **ethical violations** and **violates professional responsibility rules** regarding conflicts of interest and compliance with judicial rulings.

4. Prejudice to Plaintiff and Rule 55(b)(1) Default Judgment Enforcement

- Defendant Apple, Inc. **defaulted and is subject to Rule 55(b)(1) enforcement.**
- If defense counsel is improperly participating in this case, their **continued presence unlawfully obstructs the enforcement of the Final Default Judgment.**
- **If Defendant's counsel is disqualified, Apple, Inc. will have no standing to challenge enforcement, rendering the Default Judgment final and enforceable.**

RELIEF REQUESTED

Plaintiff respectfully requests that this Court: ✓ **Disqualify Defendant's counsel from further participation in this case** for violating the prior court order.

✓ **Strike any filings made by Apple, Inc. through improperly appearing counsel.**

✓ **Reaffirm that Apple, Inc. defaulted and has no standing to contest enforcement.**

✓ **Issue any further relief the Court deems necessary to uphold procedural fairness and compliance with prior judicial rulings.**

WHEREFORE, Plaintiff **moves to disqualify Defendant's counsel** and ensure **proper enforcement of the Final Default Judgment.**

Dated: **March 20, 2025**

Respectfully submitted,

/s/ John W. Miller

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